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3/1/2006 12:17 PM PAGE 2/054 Fax Server

Loewenstein

914-937-3338

P. 1

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/314,314

Filing Date

12/11/2001

First Named Inventor

Loewenstein

Art Unit

3713

Examiner Name

Rada/ Thai (SPE)

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MAR 01 2006

Attorney Docket Number

Diamond Poker

ENCLOSURES (Check all that apply)

- Fee Transmittal Form
 - Fee Attached
- Amendment/Reply
 - After Final
 - Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Reply to Missing Parts/ Incomplete Application
 - Reply to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
 - Petition to Convert to a Provisional Application
 - Power of Attorney, Revocation
 - Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) _____
- Landscape Table on CD

Remarks

Letter to SPE Thai

- After Allowance Communication to TC
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

David A. Loewenstein

Signature

Printed name

David A. Loewenstein

Date

Reg. No. 35,591

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Signature

Typed or printed name

David A. Loewenstein

Date

1/16/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Loewenstein
Serial No. : 10/015,314
Filed : 12/11/01
Title : POKER GAME
Examiner : Rada
Art Unit : 3713

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LETTER TO SUPERVISORY EXAMINER XUAN M. THAI

As we discussed on the telephone, I am resending, now for the third time, a copy of my Appeal Brief together with proof that it was originally filed on September 6, 2005.

I addition I am resending a copy of the fax I sent on November 17 which included the proof that the brief had been filed on September 6 together with a copy of the Appeal Brief. . I am attaching the confirmation copies of the fax proving the fax was received. For some reason the last page of the fax did not go through on November 16, so I sent it separately. The confirmation page for that one page is also attached.

Apparently this fax was lost by the PTO

Attached to this letter are the following:

(1) a copy of the postcard that bears a received stamped by the OIPE on September 6, 2005 (there is a typographical error on the date mailed);

(2) a two page printout of the United States Postal Service web site that indicates that air bill number ER84 5145 435US was accepted in New York on

Serial No. 10/015,314
Art Unit: 3714

1

Examiner: Rada/SPE Thai
VIA FAX 571-273-8300

September 6, 2005 at 5:59 PM and received at the Patent Office at 8:37 AM September 7, 2005. It was signed for by S DYAR. The air bill number corresponds to the Express Mail number in the footer of the Appeal Brief, a copy of which is attached; and

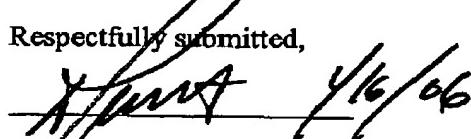
(3) A print out from Citbank's web site of canceled check number 581 for \$250 that has in the "memo" field "Appeal 314 Appn" this corresponds to the pending application number 10/015,314. The check was cashed by the Patent Office on September 8, 2005. The amount corresponds to the fee for submitting an appeal brief. I has crossed out my checking account number for security reasons.

There can be no question whatsoever that the three appeal briefs, the check and the postcard were mailed via Express Mail on September 6, 2005 and were received the following day on September 7, 2005 at the Patent Office. Because they were mailed via Express Mail the filing date is the date mailed (i.e., September 6th). See 37 CFR § 1.10 (a)(1).

I would appreciate a call letting me know that this has been done. My work number is 212-632-3572.

Thank you in advance for your attention.

Respectfully submitted,



4/16/06

David A. Loewenstein
Reg. No. 35, 591

802 King Street
Rye Brook, NY 10573
(914) 937-4119

Serial No. 10/015,314
Art Unit: 3714

2

Examiner: Rada/SPE Thai
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3/1/2006 12:17 PM PAGE 5/054 Fax Server

Loewenstein

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First Named Inventor	Loewenstein
Art Unit	3713
Examiner Name	Rada/ Thai (SPE)
Attorney Docket Number	
Diamond Poker	

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<input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.53		
Remarks Letter to SPE Thai		

47 PAGES

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Firm Name	David A. Loewenstein		
Signature	<i>David Loewenstein</i>		
Printed name	David A. Loewenstein		
Date	1/17/05	Reg. No.	35,591

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David Loewenstein VIA FAX 571-273-8300

Typed or printed name

David A. Loewenstein

Date

1/17/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Loewenstein
Serial No. : 10/015,314
Filed : 12/11/01
Title : POKER GAME
Examiner : Rada
Art Unit : 3713

LETTER TO SUPERVISORY EXAMINER XUAN M. THAI

As we discussed on the telephone today, Applicant (I) sent to the Patent Office on September 6, 2005 via Express Mail: (1) three copies of an Appeal Brief; (2) a check for \$250 for the associated fee; (3) a self addressed post card and (4) a transmittal form.

Attached to this letter are the following:

(1) a copy of the postcard that bears a received stamped by the OIPE on September 6, 2005 (there is a typographical error on the date mailed);
(2) a two page printout of the United States Postal Service web site that indicates that air bill number ER84 5145 435US was accepted in New York on September 6, 2005 at 5:59 PM and received at the Patent Office at 8:37 AM September 7, 2005. It was signed for by S DYAR. I cannot account for the discrepancy between the PTO's September 6 date stamp on the postcard and the Post Office's received date of September 7, but my assumption is because the package was received at 8:37 AM the

Serial No. 10/015,314
Art Unit: 3714

1

Examiner: Rada/SPE Thai
VIA FAX 571-273-8300

person who stamped it forgot to advance the date. The air bill number corresponds to the Express Mail number in the footer of the Appeal Brief, a copy of which is attached; and

(3) A print out from Citbank's web site of canceled check number 581 for \$250 that has in the "memo" field "Appeal 314 Appln" this corresponds to the pending application number 10/015,314. The check was cashed by the Patent Office on September 8, 2005. The amount corresponds to the fee for submitting an appeal brief.

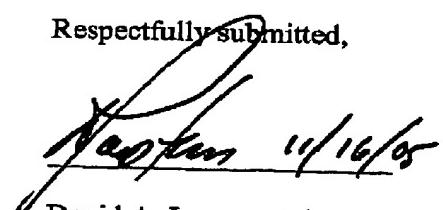
There can be no question whatsoever that the three appeal briefs, the check and the postcard were mailed via Express Mail on September 6, 2005 and were received the following day on September 7, 2005 at the Patent Office. Because they were mailed via Express Mail the filing date is the date mailed (i.e., September 6th). See 37 CFR § 1.10 (a)(1).

I am attaching a copy of the brief that was filed on that date. Please enter it into the system.

I would appreciate a call letting me know that this has been done. My work number is 212-632-3572.

Thank you in advance for your attention.

Respectfully submitted,



1/16/05

David A. Loewenstein
Reg. No. 35, 591
802 King Street
Rye Brook, NY 10573
(914) 937-4119

Serial No. 10/015,314
Art Unit: 3714

2

Examiner: Rada/SPE Thai
VIA FAX 571-273-8300

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Jan 16 2006 8:19PM

3/1/2006 12:17 PM PAGE 8/054 Fax Server
Loewenstein

914-937-3338

P.7

Serial No.: 10/015,314
Filing Date: 12/11/2001
Inventor: Loewenstein
Assistant: 3714
Date Mailed: 7/1/2005
Title: Poker Game



To the individual receiving this correspondence, please check the contents enclosed and verify that the following items were enclosed by date stamping and placing this postcard in the out-going mail. Thank you.

- Three Copies of Appellant's Appeal Brief
- Transmittal Form
- Check for \$250

USPTO 3/1/2006 12:17 PM PAGE 9/054 Fax Server
TO:Central Fax COMPANY:
Jan 16 2006 8:19PM Loewenstein

914-937-3338

P.8

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Page 1 of 1



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Label/Receipt Number: **ER84 5145 435U S**

Detailed Results:

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- Arrival at Unit, September 07, 2005, 8:04 am, DULLES, VA 20102
- Acceptance, September 06, 2005, 5:59 pm, NEW YORK, NY 10150

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TO:Central Fax COMPANY: Loewenstein 914-937-3338
Jan 16 2006 8:20PM

P.9

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Page 1 of 1



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Label/Receipt Number: ER84 5145 435U S
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914-937-3338

P. 10

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Page 1 of 2

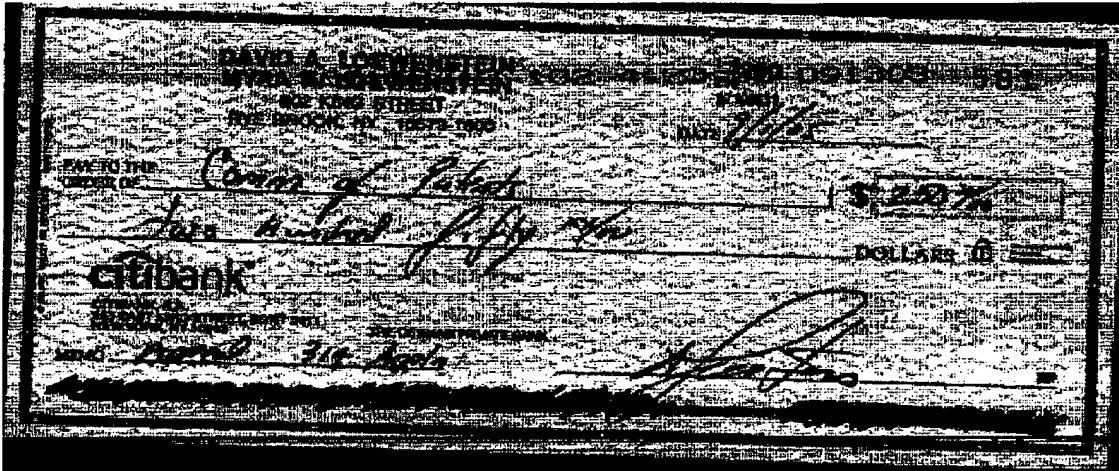
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CHECK 581

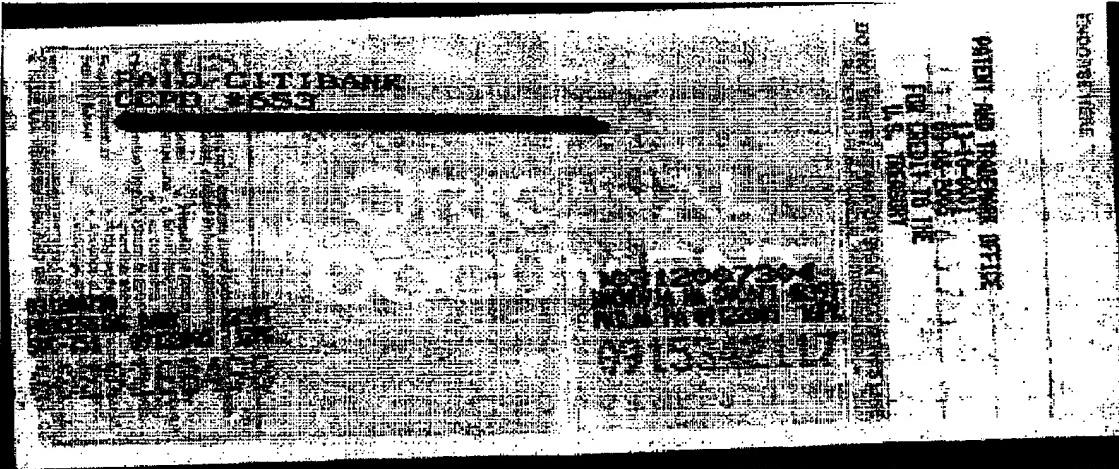
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P. 11

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PAGE 12/54 * RCVD AT 3/1/2006 12:17:02 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/22 * DNIS:2738300 * CSID:USPTO * DURATION (mm:ss):21-56-19-48

Jan 16 2006 8:35PM Loewenstein 914-937-3338
TO:Auto-reply fax to 1 212 632 3489 COMPANY:

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Auto-Reply Facsimile Transmission



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PEARL COHEN ZEIDK

1 212 632 3499 P.61

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PTO/SB/121 (07-04) Approved for use through 07-31-2006
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Application Number 02/914,374

Filing Date 10/11/2001

First Named Inventor Lowenstein

Art Unit 2715

Examiner Name (Last, First Initial)

Attorney Docket Number David A. Lowenstein

Dissent Peter

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Date/Post	<input type="checkbox"/> Attn: Attorney Correspondence to TC
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<input type="checkbox"/> Amendment/Réponse	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Under Item 1, Item, Page One)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavit/Mechanisms	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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47 PAGES

Resubmitted
1/17/05

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Print name David A. Lowenstein

Signature

Printed name David A. Lowenstein

Date

1/17/05

Reg. No. 83,631

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Signature

David A. Lowenstein

Date

1/17/05

Typed or printed name

David A. Lowenstein

This certificate or affirmation is required by 37 CFR 1.8. The information is required to be furnished by the public which is to be used by the USPTO as a reference. Confidentiality is afforded by 35 U.S.C. 1.12 and 37 CFR 1.12 and 1.6. This certificate is effective in 6 months from issuance, including payment of any fees due at the time of filing. This certificate may be filed in the USPTO. It can not be deposited with the post office. By signing, I attest that the amount of time you took to complete this certificate is reasonable. I understand that the Commissioner for Patents, U.S. Patent and Trademark Office, U.S. Dept. of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEE BY COMPUTERIZED FORM 12 AND ADDITIONAL COMPUTERIZED FORMS FOR PAYMENT.

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USPTO 11/17/2005 2:04 PM PAGE 1/001 FAX 914-937-3338
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P.51



Auto-Reply Facsimile Transmission

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<small>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</small>													
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">First Name</td> <td style="width: 25%;">David A. Loewenstein</td> </tr> <tr> <td>Signature</td> <td></td> </tr> <tr> <td>Printed Name</td> <td>David A. Loewenstein</td> </tr> <tr> <td>Date</td> <td>11/17/05</td> </tr> <tr> <td></td> <td>Reg. No. 35,581</td> </tr> </table>		First Name	David A. Loewenstein	Signature		Printed Name	David A. Loewenstein	Date	11/17/05		Reg. No. 35,581		
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Loewenstein

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P.52

***** -COMM. JOURNAL- ***** DATE NOV-17-2005 TIME 14:25 *****

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Application Number	10/314,314
Filing Date	12/1/2001
First Named Inventor	Loewenstein
Art Unit	3713
Examiner Name	Rader/ Thiel (SPE)
Attorney Docket Number	Diamond Polar

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

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Signature	<i>David Loewenstein</i>
Printed name	David A. Loewenstein
Date	1/17/05
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Total Number of Pages in This Submissions

Application Number	10/514,314
Filing Date	12/11/2001
First Named Inventor	Loewenstein
Art Unit	0713
Examiner Name	Rader Thal (SPPB)
Attorney Docket Number	Diamond Poler

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